



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 11, 1998

Ms. Donna Garcia Davidson
Assistant General Counsel
Office of the Governor
State of Texas
P.O. Box 12428
Austin, Texas 78711

OR98-0678

Dear Ms. Davidson:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 113333.

The Office of the Governor received a request for information concerning "your proposal to end so-called 'social promotion' in Texas." You state that you have released some of the requested information. However, you claim that the remaining requested information is excepted from disclosure under sections 552.101, 552.106, 552.107, and 552.111 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information.

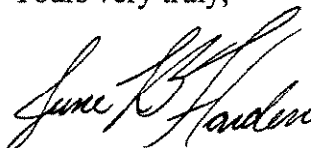
Section 552.106 of the Government Code protects drafts and working papers involved in the preparation of proposed legislation. The purpose of the exception is similar to that of section 552.111: to encourage frank discussion on policy matters between the subordinates or advisors of a legislative body and the legislative body; it protects the internal "deliberative" or policy-making processes of a governmental body. Open Records Decision No. 460 (1987). Section 552.106 does not except purely factual material; rather, it excepts only policy judgments, recommendations, and proposals involved in the preparation of proposed legislation. *Id.* Similarly, section 552.111 does not except purely factual information that is severable from the opinion portions of the memoranda. After reviewing

¹Although you cite section 552.101 in your brief, you do not explain the applicability of the exception in this particular situation. Therefore, we do not address your section 552.101 claim. See Gov't Code § 552.301(b)(1).

the documents at issue, we conclude that the Governor's Office may withhold the requested information pursuant to section 552.106.

Because we are able to make a determination under section 552.106, we do not address your additional arguments against disclosure. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "June B. Harden". The signature is fluid and cursive, with the first name "June" and last name "Harden" clearly distinguishable.

June B. Harden
Assistant Attorney General
Open Records Division

JBH/gle

Ref.: ID#113333

Enclosures: Submitted documents

cc: Mr. Jay D. Root
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(w/o enclosures)